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February 16, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILED ELECTRONICALLY VIA EFS-WEB

In RE:

Application No.:	10/707,489
Filing Date:	December 17, 2003
Inventor:	David M. Kuchar
Title of Invention:	PENNANT TAPE
Confirmation No.:	1488
Attorney Docket No.:	51900-KUCHAR-002
Group Art Unit:	1772
Examiner:	William P. Watkins III
Date Last Office Action:	February 13, 2006

REPLY TO OFFICE ACTION

Dear Sir:

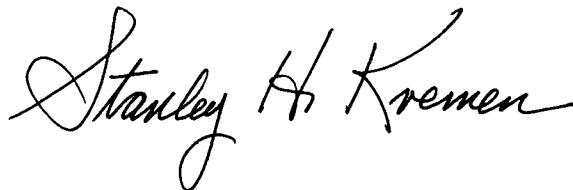
Your Office Action of February 13, 2006 is hereby acknowledged. That Office Action was generated by Legal Instruments Examiner Brenda Murphy as a Notice of Non-Compliant Amendment (37 CFR § 1.121). It resulted from the Applicant's previous reply to your Office Action dated February 6, 2006. That reply included a petition for a one-month extension of time to reply (along with the appropriate fee), traversal arguments to the Examiner's objections and rejections, and claim amendments. The claim amendments further included two new claims 16 and 17. These claims were given the status identifiers of **Newly Presented**. In your Office Action of February 13, 2006, the Examiner indicated that claims 16 and 17 should have a status identifier of **New**. The Applicant submits herewith the entire set of amended claims having the correct status identifiers. A copy of your Notice of Non-Compliant Amendment (PTOL-324) is attached hereto.

In a telephone conversation today with Examiner Brenda Murphy, she indicated that the Applicant does not need to resubmit the February 6, 2006 reply to your Office Action. The Applicant is required to only submit the claims. The newly submitted claims will then be merged by your Office with the February 6th reply.

I trust that this submission fully complies with your requirements. However, if there is a problem, since time still remains for reply, the Applicant would appreciate an opportunity to correct any deficiency.

Thank you for your kind attention.

Respectfully submitted,

A handwritten signature in black ink that reads "Stanley H. Kremen". The signature is written in a cursive, flowing style with a large initial 'S'.

Stanley H. Kremen,
Registered Patent Agent
Registration No. 51900
Customer No. 34325

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10707489

Applicant(s)

Examiner

Art Unit

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 2-6-06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Brenda Murphy
Legal Instruments Examiner (LIE)

571 272-1033
Telephone No.